

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, November 9, 2020, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Amanda Mosiman, Richard Reid, Bob Johnson, Bill Byers, President Jeff Valiant, Bryan Flowers, and Jeff Willis.

Also present were Aaron Doll, Attorney, Molly Barnhill, Executive Director, Katelyn Cron, Assistant Director and Chelsea Carpenter, staff.

MINUTES: Amanda Mosiman made a motion to approve the October 12, 2020 minutes. The motion was seconded by Richard Reid and carried unanimously.

President Valiant said it looks like we have a couple primary plats and three re-zonings on the agenda tonight. He said the primary plat will get approval tonight, re-zonings will go to, either for or against, as a recommendation to the County Commissioner's at their next month's meeting. He said as we go through these if the applicant and owner would please step up to the podium, there is a sign in sheet and if you could please state your name.

PP-20-15: Stratman-Johnson PUD: PETITIONER/OWNER: Stratman Family Properties, LLC by John Stratman, Managing Member. OWNERS: Nicholas J. & Marla M. Stratman and E. Lynn & Janet D Johnson. 605.825 acres located on the E side of Asbury Cemetery Road. 0' NE of the intersection formed by Ayrshire Road and Asbury Cemetery Road. Being all of Outlot B in Ayrshire Lake Estates Phase 1 as recorded in Doc #2001R-0014985 and all of Lot 1 in Anchor Lake Development as recorded in Doc. #2010R-006179 in the Warrick County Recorder's Office and Part of Sections 21, 22, 27, 28, 33, and 34 Township 5 South, Range 9 West in Campbell Twp. (*Complete legal on file*). (*Advertised in the Standard October 29, 2020*).

President Valiant asked and I believe we have a rezoning that goes with this correct.

Mrs. Barnhill said yes.

President Valiant said lets touch on that briefly so we can do it all at one time.

PC-R-20-15: PETITIONER/OWNER: Stratman Family Properties, LLC by John Stratman, Managing Member. OWNERS: Nicholas J. & Marla M. Stratman and E. Lynn & Janet D Johnson. To rezone 605.825 acres located on the E side of Asbury Cemetery Road. 0' NE of the intersection formed by Ayrshire Road and Asbury Cemetery Road. Being all of Outlot B in Ayrshire Lake Estates Phase 1 as recorded in Doc #2001R-0014985 and all of Lot 1 in Anchor Lake Development

as recorded in Doc. #2010R-006179 in the Warrick County Recorder's Office and Part of Sections 21, 22, 27, 28, 33, and 34 Township 5 South, Range 9 West. From an "A" Agricultural Zoning District to "R-1D/PUD" Single Family Planned Unit Development Zoning District. Campbell Twp. (*Complete legal on file*). (*Advertised in the Standard October 29, 2020*).

Scott Buedel, Cash Wagner and Associates, and John Stratman, applicant and C/O were present.

President Valiant called for the staff report.

Mrs. Barnhill said the return receipts for the zoning and plat were mailed together. She said we have all green cards showing the adjacent property owners were notified correctly. She said the current zoning is "A" Agricultural, if the rezoning is passed it will be rezoned to "R-1D/PUD" Single Family Dwelling Planned Unit Development. She said some of this development lies within the "AE" floodplain. She said the proposed subdivision is 19 Lots and one Outlot being the private road. She said the commissioner's approved the street plans today. She said Ayrshire Road and Stratman Lane will be private gravel roads the county will not maintain. She said Lots 11 and 12 will have access to Asbury Cemetery Road which is a public road. She said they are also asking for this to be a gated road. She said the Drainage Board accepted the drainage plans today. She said they are proposing septic systems to be used but do not have the percolation tests shown on the plat. She said the Health Department requires two perc. tests to be done on each proposed building site, so this will need to be a condition to their approval. She said the Town of Chandler has capacity for water. She said the proposed development is a 19 lot subdivision with one lot having an existing Single Family Dwelling and one lot with an unattached accessory building. She said they are proposing 17 new building sites. They are proposing a gated entrance into the subdivision with gravel private roads. She said the plat is in order. She said additional conditions would be: subject to zoning approval by the County Commissioner's, subject to septic approval from the Health Department, and the gated entrance will require letters from Emergency Personnel of no objection and a Hold Harmless will need to be executed, recorded, and cross referenced with this plat. She said on the zoning, the minimum lot size for R-1D is 21,080 square feet. She said the comprehensive plan has no projection for this area. She said to the east is zoned "A" being vacant. She said to the south is zoned "A" being vacant and single family dwellings. She said to the west is zoned "A" being single family dwellings. She said to the north is zoned "A" being vacant. She said their access will be Ayrshire Road and Stratman Lane, which will be the private gravel roads. She said the stated use is a single family dwelling and it is all in compliance.

President Valiant said thank you Molly. He asked do you gentleman have anything to add to the staff report.

Scott Buedel said no, it is just a big subdivision for the most part to keep things the way they are, for the most part. He said the road that goes into the site, Ayrshire, is an existing gravel lane and there is an existing gate on it. He said we did have to involve the adjacent properties just due to the physical location of the roadway. He said so Glenn Johnson is also part of the development. He said he agreed to be in favor of this and grant way for the private road. He said in the end they pretty well want it to look the same as it does today. He said there is a gravel road, gated entrance. He said what instigated all this is John wants to build out there on his property. He said they each

own about 300 acres and he is wanting to build next door to his son that already has a house out there, Nick. He said that is how it kind of all got started and then once we rolled into a little bit and there was a little bit of gravel that needed to be added to one of the roads and then the water line extended, just to kind of offset that cost and kind of look at the whole picture for maybe some future, not investment, but just to have it done in case they ever wanted to have a relative or friend or something out there too. He said they just went ahead and created a couple building sites along the way that were not already there. He said we do have a Hold Harmless prepared, Molly had given us an example of something she was expecting to see, and we do have that prepared. He said I can give it to you now or I can just hold onto it and give it to Molly after the fact.

President Valiant said thank you sir. He asked any questions from the Board on either side of this. He said for the rezoning or the plat. He asked seeing no questions at this time from the Board, any remonstrators for or against this project. He said if so, please step forward. He said seeing as no one is moving I will turn it back over to the Board. He asked any comment or discussion or further questions. He asked so right now you are building one house.

Scott Buedel responded yes.

He said okay that is what I am understanding, but you are setting up just in case family down the line.

Scott Buedel said creating some frontage on some lots that needed it.

President Valiant said gotcha.

Richard Reid asked are we going to take both of these at the same time.

President Valiant said no, we will do one at a time. He said let's make sure, no questions at all. He said so let's go with the rezoning first.

Richard Reid made a motion for a positive recommendation to the County Commissioner's for PC-R-20-15. The motion was seconded by Bob Johnson and carried unanimously. PC-R-20-15 will go with a positive recommendation to the County Commissioner's on December 14, 2020.

President Valiant said alright, onto the plat I will entertain a motion.

Richard Reid made a motion to approve PP-20-15, subject to: the approval of PC-R-20-12 at the Commissioner's Meeting to be held on December 14, 2020, the Hold Harmless on the gated entrance, and the septic sites being shown on the secondary. The motion was seconded by Jeff Willis and carried unanimously.

PP-20-16: High Pointe Village PUD: PETITIONER: Midwest Contracting Inc. by Tim Cook, President OWNER: Cardinal Crossing LLC by Brad Fulkerson, Member. 5.87 acres located on the S side of High Pointe Drive. Approximately 1,300' W of the intersection formed by High Pointe Drive and Bell Road. Being Lots 13, 14, and 15 in Corrected Plat of Bellmoore Landing Sec. 1 Doc #2008R-005005. Ohio Twp. (*Advertised in the Standard October 29, 2020*).

President Valiant said I believe this has a rezoning that goes with it.

PC-R-20-16: PETITIONER: Midwest Contracting Inc. by Tim Cook, President. OWNER: Cardinal Crossing LLC by Brad Fulkerson, Member. To rezone 5.87 acres located on the S side of High Pointe Drive. Approximately 1,300' W of the intersection formed by High Pointe Drive and Bell Road. Being Lots 13, 14, and 15 in Corrected Plat of Bellmoore Landing Sec. 1 Doc #2008R-005005 in the Warrick County Recorder's Office. From "C-4" General Commercial Zoning District to "C-4/PUD" General Commercial Planned Unit Development Zoning District. Ohio Twp. (Advertised in the Standard October 29, 2020).

Jeremy Elrod, Morley Project Engineer, Jeff Troxel, Cardinal Crossing, and Tim Cook, Midwest Contracting.

President Valiant called for a staff report.

Mrs. Barnhill said okay on the plat, for the return receipts we have all but 1 green card, from BNR Properties LLC. She said the plat was mailed with the rezoning notice. She said the zoning is "C-4" General Commercial and the rezoning for the lot on the docket tonight is "C-4/PUD" Planned Unit Development. She said there is some "A" floodplain and a LOMA on the majority of the property where they are proposing the buildings. She said there are 30 lots and 3 outlots, Outlot C being a private road easement. She said on the street construction plans there is going to be a private road easement, High Pointe Lane and High Pointe Court, the county will not maintain. She said they are requesting the right of way to be 33' wide. She said I did get some input on the Right of Way from the County Engineer on that, he sent an email today. She said the email states:

The proposed 33' right of way does not meet private street requirements per the Subdivision Control Ordinance. I am not in the favor of the right of way being less than 40' right of way, I am aware this is currently a private road but past history indicates that some private roads do not stay privately maintained on request by the home owners. The request does not allow the roadway to be stock piled to be able to stock pile in the right of way. I prefer this to be an ingress/egress easement and not a road right of way.

She said part of this plat would be conditioned on a waiver submitted to have the right of way only be 33' wide. She said the Drainage Board did approve their drainage plans and the Commissioner's did approve their street plans today. She said Newburgh has sewer capacity and Chandler has water capacity. She said the proposed development is a 30 lot subdivision with Lots 1 through 12, and 15 through 18 are proposed quadplexes, Lots 13 and 14 and 19 through 24 are proposed duplexes, Lots 25 through 30 are proposed triplexes. She said they have shown building envelopes for each of these proposals. She said the plat is in order and it would be subject to the zoning approval from the Commissioner's. She said they also have a partial sidewalk waiver in your packets and it is color coded in pink, you can see the sidewalks are only on one side of the street. She said it is also subject to a right of way reduction waiver. She said on the zoning, there would be no minimum lot size for "C-4". She said Comprehensive Plan shows this property to be commercial. She said the surrounding zoning and land use is to the east is zoned "C-4" being Walmart, to the south is zoned "C-4" being vacant, to the west is zoned "C-4" being commercial buildings, and to the north

is zoned "C-4" being vacant. She said the developer is proposing a 30 lot subdivision with 3 Outlots. She said there is some flood zone but there is a LOMA. She said their access is High Pointe Lane and High Pointe Court. She said the stated use is a Multi-Family Dwelling, which would be in compliance. She said the PUD zoning relaxes setbacks and allows for the private road. This PUD is relaxing the 25' front yard requirement to as low as 4.46' on lot 19. It relaxes the 25' rear yard requirement to 2' on lot 25 and it relaxes the 6' side yard requirement down to 5' on lots 4 & 5, 8 & 9, 12 through 14, 22 & 23, and 27 & 28. She said everything would be in order because they are showing everything to be 10' apart for fire code.

President Valiant asked anything to add to the staff report.

Jeremy Elrod said that was a lot but yeah I will add a little bit. He said this is a town home project and a PUD so it is a little different than what some of the ordinances require. He said it is a project the developer is pretty excited about. He said I think filed with the paperwork was a letter from the developer with their commitment to the project. He said the townhomes are a great addition to the walking community that is created with the wellness trail that now extends along High Pointe Drive. He said that extension now along High Pointe Drive, east of Libbert Road, was made possible by the generous donation of Cardinal Crossing and their work with the Warrick Trails Group and they think this development ties in to that lifestyle that Warrick County promotes and seeks. He said the developer has chosen to install a private street, which you know, has no public right of way, therefore you know it is a 6 million dollar investment that essentially comes with no liabilities or maintenance to the County. He said Molly did mention the County Engineer's concern of the narrow right of way so we did work with the Engineer and we worked with Molly's office in order to convert it to an Outlot with an ingress egress easement. He said the Outlot will be owned by the home owner's association, so it is not a private right of way. He said the County Engineer's concern was if we ever came later and asked for it to become a public street and we have really eliminated that chance but we understand that. He said part of the reason it is so narrow is because of the utility easements we have to put in front of the buildings. He said we didn't have the luxury of putting sewer in the backyards and so sewer requires a 12' easement, water requires a 10' easement and so those start to kind of eat away your street scape. He said so the second photo I passed around was The Enclave at Woodfield, it is a development, that is somewhat similar off of Jenner Road that is a 24' road back of curb. He said this is what we have as well and you can see they have nice homes, beautiful place to live. He said they are 64' face to face and our building envelope is actually 67' feet so we are actually providing more space between the units than what you see here and what has been done in the county before. He said I would say in addition to this photo would be the sidewalks we are adding. He said we do have a partial request to eliminate the sidewalks on one side of the street but we do understand the importance of making this a walkable community, tying it to the wellness trail. He said so the developer has asked to put those on one side, at the same time, it is 67' so we want to promote green space and a nice attractive street scape as well. He said a little bit of history on this ground, because I feel that it is important, Cardinal Crossing did purchase this ground from the bank and it was repossessed from the previous developer, so they are taking ground that didn't have a great destiny and are eager to do development in Warrick County. He said they also now own all the remaining lots in Bellmoore Landing, all the adjoining ground, well except for one lot which is adjacent to Libbert Road, it is a smaller lot. He said Cardinal Crossing is also the developer of the nearest commercial building which is a very attractive building being developed. He said as I mentioned, they currently own all

the remaining lots in Bellmoore which are obviously adjacent to this project. He said obviously we feel this project is, you know, it is not the first of its kind in Warrick County. He said there are multiple townhome and condo developments and we expect this one to be successful. He said so with that we welcome any questions.

President Valiant asked any questions from the Board at this time.

Amanda Mosiman asked Molly, when you say there is a LOMA on the majority of the property what percentage are you talking about.

Mrs. Barnhill said all of where the buildings are. She said I believe it cuts off on Lot 15.

Jeremy Elrod said yeah I would say almost 95-97% of the property.

Mrs. Barnhill said yeah the flood plain is almost entirely to the south.

Amanda Mosiman said okay. She asked you said they approved drainage plans today.

Mrs. Barnhill said yes.

President Valiant asked when you say townhomes are you talking single-family townhomes or duplexes.

Jermy Elrod said single family. He said I think there is a set of triplex, duplex, and I think they all are shown on plat as the building envelopes.

President Valiant said okay.

Jeremy Elrod said these will all be permanent residents as well.

Jeff Willis said I know some of the other townhomes in the area have had to come back and rezone them as residential because insurance wouldn't lend on them or banks or whatever. He said they were afraid they wouldn't be able to be built in the future. He asked is that an issue.

Jeremy Elrod said I don't think that is going to be an issue on this project.

Mrs. Barnhill said Jeff I think those were condominiums so they just owned the building and not the lot that it was on so the bank took issue with that.

Jeremy Elrod said right.

Jeff Willis said okay.

Mrs. Barnhill said I think that was because of everything that happened in 2008.

Jeff Willis said okay.

President Valiant asked any remonstrators for or against this project. He said seeing none, any other questions or discussion from the Board. He asked Aaron do we need to do the sidewalk waiver separate.

Attorney Aaron Doll said since the sidewalks are going to be part of plat I would say we could do the rezoning first and then the sidewalks.

President Valiant said okay, I just didn't know if we needed to do the sidewalk waiver separately.

Attorney Aaron Doll said no, since they are going to be part of the plat.

President Valiant said okay, thank you. He said if there are no other questions from the Board I will entertain the motion.

Richard Reid made a motion for a positive recommendation to the County Commissioner's for PC-R-20-16. The motion was seconded by Jeff Willis and the vote was 6-1 with Amanda Mosiman voting against the project. PC-R-20-16 will go with a positive recommendation to the County Commissioner's on December 14, 2020.

President Valiant said alright, so for the plat.

Richard Reid made a motion to approve PP-20-16, subject to: the approval of PC-R-20-16 at the Commissioner's Meeting to be held on December 14, 2020, the sidewalk waiver, and the right of way reduction waiver. The motion was seconded by Bill Byers and the vote was 6-1 with Amanda Mosiman voting against the project.

Jeremy Elrod said thank you for your time.

PC-R-20-17: PETITIONER/OWNER: SPM Development, Inc by Phil Reinbrecht, President/CO. To rezone 5.87 acres located on the N side of Sharon Road. Approximately 330' W of the intersection formed by Jefferies Lane and Sharon Road. From an "A" Agricultural Zoning District to "R-1" One Family Dwelling Zoning District. Ohio Twp 35-6-9. (*Complete legal on file*). (*Advertised in the Standard October 29, 2020*).

Scott Buedel and Kenny Reinbrecht were present.

President Valiant called for a staff report.

Mrs. Barnhill said we have all but 2 green cards, from Karen Harris & Marshall Todd and from James & Roxanne Sutherlin. She said the minimum lot size for "R-1" is 6,000 square feet. She said the comprehensive plan shows the area to be moderate to high density residential. She said the existing land use is vacant. She said the surrounding land use to the east is zoned "R-2" being Sharon Meadows Subdivision with single family dwellings and "A" being single family dwellings. To the south is zoned "A" being single family dwellings. To the west is zoned "R-1A" being Autumn Ridge Subdivision with single family dwellings. To the north is zoned "R-1A" being South Broadview 5 with single family dwellings. She said the developer is proposing a

subdivision in the future, which I believe was just filed but it's not on this agenda, it will be set for next month. She said there is no flood zone and this property currently has access to Sharon Road and Autumn Ridge Drive on the north side. She said the stated use is a residential subdivision, which would be in compliance. She said everything is in order.

President Valiant said thank you, Molly. He said do you have anything to add to the staff report.

Scott Buedel said just run through a few things, we started off, of course this is a desirable area close to the elementary school, residential subdivisions all around. He said it's one of the last remaining holes you see in this area when you start zooming in on GIS. He said it's obvious that this is one of the last vacant pieces of ground that's not been subdivided already, all the way around it. He said when we first started off and sketched a site plan up for this site, I did utilize the existing cul-de-sac on the west side, if you see on the exhibit, there's a bulb up in the northeast corner of Autumn Ridge. He said that right-of-way extends to the east property line. He said we were not really sure how we were going to proceed with that, I did do an initial sketch showing that that was going to extend through into our property and then cul-de-sac down to the south or tie back into Sharon Road. He said I guess right after we must have mailed the notices out, one of the adjoining property owners over in Autumn Ridge contacted Phil, Kenny's son, and just made a comment that the neighboring property owners to the west strongly opposed that connection and so Phil told us immediately to nix that idea and take that off the board. He said so now we're coming in with just a straight cul-de-sac off of Sharon Road, comes in, cul-de-sacs and does not tie in to the adjoining property to the west. He said that is what was submitted last Wednesday to the Plan Commission.

President Valiant said tonight we're just on the zoning, correct.

Scott Buedel said correct.

President Valiant said is that all you have, Scott.

Scott Buedel said yes.

President Valiant asked any questions from the board on this, at this time.

Richard Reid said how many lots do you think you're going to have in there.

Scott Buedel said twenty-five.

Amanda Mosiman said and it's one cul-de-sac coming in off Sharon.

Scott Buedel said yes.

President Valiant called for any remonstrators for or against the rezoning of this property.

Karen Harris was present. She said I have woods outside my back door now, right off my deck, I don't have much of a backyard. She said I'd like to know how close they're going to get and are

they taking all the woods away. She said that was one of the appeals of buying my property was that the backyard was private. She said my house sits back a little further than my neighbors, who have privacy fences, so outside my backyard all I have is woods and wildlife. She said we feed deer out there every day and we have a lot of, it's just private back there and I don't want somebody right outside my back door. She said if he's going to build, I'm going to sell and I want to know when it's starting.

President Valiant said we're just here on the rezoning, they haven't even got the plat in. He said well, they just submitted the plats but we haven't seen any of that yet.

Karen Harris said so that's it for me.

Michael Deffendol was present. He said I live in lot 27 off of Southfield Drive. He said my backyard abuts right into this and during hard rains like we've had recently, there is a tremendous amount of water that comes off of the hill from the north and from the south. He said there is a ditch that runs across, to the north, I'm sorry to the south of where my lot is. He said when we have those that ditch does fill up. He said it's not been maintained by anybody. He said it does create backup water, so I heard that there was no floodplain there. He said that would be hard to believe. He said there is also a problem that I see, because I come out of there every day. He said when I come out and go to Sharon Road and I want to turn to the east, there is a hill between Jeffries and where you would be putting the outlet for this and people come over that hill rather fast. He said you can see that you have a clear way, you get out there and you look up in your mirror and there's somebody right on your tail. He said there's not been a lot of wrecks there over the years, but the possibility is there. He said if you put fifty, uh, twenty-five lots in here, that easily equates to fifty vehicles coming out of that one spot. He said let me make sure I got it all. He said that's it for me, thank you very much.

President Valiant said thank you, sir.

Dr. Ray Lamey was present. He said I own the property along the area next to the, the area we're talking about, at the end of the cul-de-sac is where my house is located. He said now, I'm happy to hear that they're entertaining the other entrances, if we adjoined Autumn Ridge Drive into this, it is going to really increase the traffic flow, it will decrease my value of my house. He said one of the advantages of my house is that I'm at the end of a cul-de-sac. He said it will, depending on the size of the houses they build, it will devalue my house. He said if they build cheaper houses adjacent to it and tie them all together. He said those are my big concerns here, is where the entrance is going to be, I oppose anything coming through our cul-de-sac. He said we have covenants in place on minimum size of builds within our neighborhood and I have not heard anything about minimum size housing or any covenants in this new area.

President Valiant said sir, are you in lot nine, maybe ten.

Dr. Ray Lamey said I'm at the very end of the cul-de-sac as you pull in, I'm 5500 Autumn Ridge Drive.

President Valiant said thank you, sir.

Dr. Ray Lamey said one additional thing. He said having construction traffic coming in and out of Autumn Ridge Drive, it'll take quite some time to develop that property. He said that entire time will really damage my ability to sell my property. He said having construction traffic coming in and out for a year or more, thank you.

Attorney Dirk Stahl was present. He said I'm here representing, initially Jerry Rogers, but I think Jerry, by extension, is representing a lot of the other people in this room. He said we are trying to consolidate our comments to, you know, rather than having a bunch of people come. He said would you mind if I had the folks who are here from Autumn Ridge stand up.

President Valiant said no, you can, sure.

Attorney Dirk Stahl said thank you, you guys can sit down. He said you can see, there's a lot of people here who do share the same or similar concerns as those that have been expressed. He said I wanted to mention, the reason why we came to, why I think it was important to come to, the rezoning phase of this, even though most of what they're talking about has to do with subdivision control. He said rezoning to R-1 not only allows single-family homes, which is allowed in Ag, but it opens up the project overall to a major subdivision. He said when you rezone from Ag to R-1, you're not only talking about what you're going to use any given individual lot for, you're talking about what you're going to use the overall existing parcel for. He said from what we hear, based on the plat, and I've seen the plat that was submitted, we're talking about a cul-de-sac with twenty-five lots of varying sizes. He said so it's important to start the conversation, I think, at this point even though you're talking about rezoning and not necessarily the details of the plat. He said the neighbors are concerned about both the construction traffic and the traffic in general, in terms of traffic flow that would go from one side to the other. He said I would mention as well that there are safety concerns. He said I live in a neighborhood that is very large, much larger than just one cul-de-sac, and we only have one entrance and one exit. He said we have over 100 homes and it is, I can tell you, it's comforting to know that there's a bottleneck, frankly. He said we don't usually like bottlenecks but you don't have people sneaking in and out the back way, so to speak. He said so there are all kinds of issues like that. He said I think that we've been very pleased that Kenny and his group have revised their plat, in terms of prior to actually submitting it for primary review, to show the access being restricted to just Sharon Road and ending in the cul-de-sac. He said it would be nice, it would be helpful to condition the rezoning on that fact to be true. He said I don't know if the commission has a tendency to do that. He said in other counties, sometimes they use conditions pretty frequently, but certainly when we get to the phase of what you're going to require after technical review in terms of access, easements, all of those details, at some point we get to the phase where your approval is ministerial. He said so, it's important to start the conversation now, so while I think that the residents of Autumn Ridge would certainly rather they be larger lots, they're most important issue is going to be the access and the direct impact that it would have on their subdivision.

President Valiant said thank you, sir.

Jeremy Seacrest was present. He said I live in lot number nine, just north of the proposed development and while I echo my neighbors, we understand this is still in the rezoning phase but

I think as part of that, we want to just voice our concerns of placing potential conditions on the property prior to the rezoning option. He said from my perspective, two specific things. He said one is just ensuring that water flow is going to flow from those of us that are on top of the hill, not into our properties, devaluing. He said and also, as one of my neighbors mentioned, just requiring still a large amount of wooded property because that is, honestly, one of the largest selling points and valuations in our properties, those that are outlying it. He said so we would ask you to consider that as major factors pending toward the approval of the rezoning.

President Valiant said thank you.

Bruce Diemer was present. He said I live at 5501 Autumn Ridge Drive and we had our house for sale, we're at that cul-de-sac, and we had it sold and then when they proposed to take that cul-de-sac all the way through, our perspective buyers backed out. He said now we have it sold again and they're very concerned about their three young kids, that cul-de-sac going through but obviously they're not going to do that, is that correct.

President Valiant said you heard the same thing we heard earlier. He said keep in mind, we have yet to see that whole plan, but as they stated earlier, they were not going to follow through with the original idea of coming through the end of Autumn Ridge Drive.

Bruce Diemer said but twenty-five lots would be kind of excessive, I think for that area.

President Valiant said anyone else.

Lisa Stinson-Smith was present. She said I live at 5671 Autumn Ridge Drive. She said when you come onto Autumn Ridge from Sharon, I'm the first house on your left. She said I think my main concern here is what it is going to do to our property values. She said I am all for somebody trying to make a living. She said I do not begrudge him for trying to see an opportunity to build a subdivision and make some money, you know it is part of the American dream, but when it is at the expense and the devaluation with all of our property here, you know the rest of us that are sitting around, at that time you have to really stop and think is it for the greater good. She said I would like for you to consider that in not only one man with his journey but also the rest of us and what we lose with property values and various other things. She said thank you.

President Valiant asked anyone else. He said alright, Mr. Buedel and Mr. Reinbrecht if you want to come back up.

Scott Buedel said first of all I do appreciate all the comments, like I said, when we first heard all the comments on the road connection Phil got ahold of us immediately and said let's do something about this and try to change this. He said in our initial site review meeting, there was discussion about Jefferies Lane and Sharon Road, a little bit, and Steve and Bobby both had kind of made comments on that but we are west down the road. He said we did look at site distance for our site and we are adequate. He said we are fine having access off of Sharon but when you get to the east where Riceland Drive is and Jefferies is there are problems up there that they had kind of acknowledged at site review. He said so that doesn't really impact our site but just to kind of back up what they were saying, Sharon Road and when he pulls out onto Sharon Road from Jefferies

Lane there is a problem that they are aware of. He said as far as some of the other comments, one of the other comments was for drainage purposes and you know every subdivision that goes through and everything that goes through is vetted for storm water runoff. He said we are not free to just discharge as we please. He said we will look at the site as it exists today and look at is a 5 year storm event and we will hold back enough storm water on our site and discharge for a 50 year developed site condition. He said so basically we are taking the site as it exists today as trees and field and one house and one barn on it, at a 5 year storm event which is negligible and we are going to hold back enough storm water for a 50 year event so the amount of storm water that leaves the site is actually going to be reduced. He said the construction entrance, the actual street construction entrance was brought up. He said people had talked about living on that cul-de-sac and they did not want the construction entrance there. He said it absolutely will not be there. He said there is an existing driveway on the property and we will utilize that driveway as long as we can as we are building the road that will come down the center of the site. He said once we get it far enough along where we get gravel done on that then we can use another entrance. He said as far as the depth of the lots and you know taking away more than we should. He said just to be clear these will be the exact same width from east to west as our subdivision is. He said this is how this was cut up years ago. He said these are quarter-quarter-quarter sections so the width is exactly the same. He said so when you put a road in the center of them, the lots are exactly identical so we don't feel like we are coming in and adding anything that is not conducive to the neighborhood than what is there now. He said you know we are not really adding anything different than what is already all the way around us.

Richard Reid asked Scott, are you going to add any type of restrictions. He said they may be concerned about that.

Jeff Willis said size of the homes, things like that.

Mr. Reinbrecht said as far as the size of the homes we are kind of waiting to see what happens here, but as far as the value of the homes were thinking minimum price is going to probably be in the \$250,000 up to \$350,000. He said you know I think the average price will be \$300,000 and we may affect some values but I really don't think we will I think we will be an addition to the area.

Richard Reid asked so what is your lot size going to be you think.

Mr. Reinbrecht asked lot size.

President Valiant said okay, well we are kind of putting the cart in front of the horse here aren't we. He asked we are just talking about the rezoning here tonight, right.

Richard Reid said right.

Amanda Mosiman said our report said the existing land use was vacant and Scott said there is a house and a barn and you can see that on the sheet so what is becoming of that. She asked is it just gone or is it vacant.

Mr. Buedel said yes, the house has seen its better days. He said it needs to come down and then the barn is probably not a terrible barn but it needs to come down.

Amanda Mosiman said okay, I haven't been down there in a while, thanks.

President Valiant so in regards to the rezoning, what are the wishes of the Board.

Amanda Mosiman made a motion to send PC-R-20-17 on to the Commissioner's with an unfavorable recommendation. There was no second.

Bob Johnson said I do not have a problem with making it a residential area, my issue would be in our next meeting when we are trying to stick 25 homes in there and crowd Sharon Road. He said Autumn Ridge has the same lot size pretty much and they have 15 lots and you are going to try to add 65% more than that.

Amanda Mosiman said well that is exactly my point because they can buy single family homes on Ag, so it can be a residential area.

President Valiant said there was a motion on the floor, and I am going to call it that we have no second. He asked does anyone have a different motion or are we...

Richard Reid made a motion for a positive recommendation to the County Commissioner's for PC-R-20-17. The motion was seconded by Bob Johnson and the vote was 6-1 with Amanda Mosiman voting against the rezoning. PC-R-20-17 will go with a positive recommendation to the County Commissioner's on December 14, 2020.

Bob Johnson said I will second to rezone to R-1, but I would really consider in your next faze to reconsider the lot sizes that you are asking for.

Mr. Reinbrecht said thank you.

Virgil Miller was present. He said I live at 5666 Autumn Ridge Drive and I was just curious, I couldn't quite hear. He said I heard we would not be going through Autumn Ridge Drive, is that how we are going to do it.

President Valiant said that is what the developer had stated when they came up.

Virgil Miller said yes I understand that but is that how your recommendation would go.

President Valiant said we cannot put stipulations on the rezoning, now when they come back for the plat approval is then when we can put stipulations.

Virgil Miller said okay, thank you.

Amanda Mosiman said I hate to leave, but I have another meeting that requires my presence.

President Valiant said thank you, let the record reflect Amanda Mosiman is leaving the meeting at this time. He said be safe Amanda.

OTHER BUSINESS:

Complaint: Jason Campbell – 399 Shelton Road, continued from October 12, 2020 meeting.

President Valiant asked is Mr. Campbell here.

Mrs. Barnhill said I was contacted by an attorney, Clayborn, who said he was going to be here tonight to discuss this.

President Valiant asked is there an attorney Clayborn.

Mrs. Barnhill said Attorney Clayborn called and asked us to be back on the agenda tonight.

President Valiant asked and this is in reference to the 399 Shelton Road complaint.

Mrs. Barnhill said yes, and I do not see anyone here for this.

President Valiant said yep, no one showed up for this.

Mrs. Barnhill said at the last meeting we gave them 30 days and it has not been 30 days yet.

President Valiant asked how many days has it been.

Mrs. Barnhill said well today is the ninth so they have three more days.

President Valiant said alright, well do we have any updates.

Mrs. Barnhill said the neighbors have sent in some pictures, the two neighbors who filed the initial complaints, it shows the activity has continued from the pictures. She said I have not gone out there again because you cannot see anything from the road.

President Valiant asked the attorney did realize it was tonight.

Attorney Aaron Doll asked he requested to be on the agenda.

Mrs. Barnhill said yes, here is the email.

President Valiant said we cannot technically do anything because it has not been 30 days. He asked Aaron what are our options here with it being in the middle.

Attorney Aaron Doll said so we wrote a cease and desist for 30 days, which is 3 more days, if they violate that cease and desist what are our remedies. He asked can we fine them, can we...

Bob Johnson said wouldn't they go to court.

Mrs. Barnhill said yeah, I would think that is when we turn it over to you.

Attorney Aaron Doll said I would assume you will be getting a call tomorrow from the attorney.

President Valiant said yeah, from Mr. Clayborn.

Attorney Aaron Doll said yes, asking and begging for 30 more days.

President Valiant said well that was what tonight was for.

Attorney Aaron Doll said correct, so I don't know maybe if we whatever if the Board decides or would like to do.

Mrs. Barnhill said really we have no request, on the agenda there is no request so really we would have to wait for the 30 days, right.

President Valiant said yes and then determine at the next meeting.

Richard Reid said well why doesn't the attorney just go ahead with the proceedings if he is violating 3 more days. He said I guess we just have to have someone go back out and reshoot some photos. He said you might ask the neighbor's to shoot more photos for you.

Jeff Willis said well it looks like there doing a very good job.

President Valiant said well, I guess we will.

Attorney Aaron Doll said let me propose this and then see what the Board wants to do. He said in the event that 3 days from now it is still showing that there is business activity out there can we go ahead and have council file suit. He said maybe this would take a motion just to have it.

Richard Reid said or a consensus.

Attorney Aaron Doll said a consensus, a motion, something to put it on the record that so next week if we get pictures showing they are still doing business out there we don't have to sit on our hands until December's meeting.

President Valiant asked so what are the thoughts of the Board.

Bob Johnson asked should we do this by consensus or motion.

Attorney Aaron Doll said a motion never hurts.

Bob Johnson made a motion for council to start proceedings with the court if Mr. Jason Campbell has not stopped all business activity within the next 3 days, making it 30 days. Richard Reid seconded and the motion carried unanimously.

Emily Forehand was present. She said I'm just trying to understand what this actually means for us now as neighbors.

President Valiant said that means at the end of the 30 days, which he has 3 more days, if it's not cleaned up and the job is not being done out there, the business, then Mr. Doll files proceedings.

Richard Reid said we're going to ask you to take more photos if you can.

Emily Forehand said okay.

Richard Reid said not going on his property, just...

Jeff Willis said don't trespass.

Emily Forehand said we can, we can easily take more photos.

President Valiant said basically, if it's not cleaned up...

Richard Reid said we don't want to go up at the road to do it.

President Valiant said we saw the pictures now and it's not cleaned up or changed, it looks like.

Emily Forehand said no, and there's been some additional things that just seem wonky. She said it seems like there might be some sneakiness trying to be attempted here. She said in fact, one day I just emailed them because I realized I did not email them, he had pallets of landscaping supplies delivered to this address. She said that same day he had multiple employees out there and we could hear him saying that he apologized that they had to do this in such a hurry. She said he was trying to remove those pallets as quickly as possible so that people, so that we wouldn't be able to see them.

President Valiant said that's him running his business.

Jeff Willis said well it may have been they were delivered there...

Emily Forehand said I just emailed them.

Jeff Willis said he asked for the meeting and then didn't show up.

Emily Forehand said it's the same ones that were emailed but I have them loading them on their vehicles, on their trailers.

Jeff Willis said is he bringing in a lot of pallets or is that just like a one-time thing and then he had them moved, I mean since last meeting has that kind of slowed down.

Emily Forehand said no.

Jeff Willis said because sometimes when you order stuff for a business, they have your old address and deliver to it anyway and then he had his guys come move it immediately so he wasn't running his business out of there anymore. He said or he did that on purpose and then had his guys move it. He said that's what I'm trying to figure out.

Emily Forehand said well, I think Mr. Campbell thinks, from my assumption or the way that we've had to deal with him, two days after we had the Board Meeting, he attempted to try to intimidate us as a neighbor. She said he pulled up an old GIS photo, it was a Google, some sort of photo about the property lines. She said he was saying that he would take further action because of our driveway, the way that our driveway sits. She said this was only two days after the meeting that he attempted to do this. She said so...

Someone from the audience speaks.

President Valiant said sir, you're going to have to come up to the podium.

Emily Forehand said in the semi-trailer, in the big semi, we do have pictures that were emailed as well, he stores all of his equipment in that semi-trailer. She said he left it open.

President Valiant said so he's still running a business out of there.

Emily Forehand said easily.

President Valiant said so if that is not gone in three days, then Mr. Doll files a lawsuit, basically.

Emily Forehand said okay, now the state, when we talked to the state, he changed his address now to a PO Box, not a physical address.

Mrs. Barnhill said I don't think that has anything to do with this board.

President Valiant said yeah, he's still running a business.

Mrs. Barnhill said it's the physical location of where he's operating the business.

Emily Forehand said okay, that's just what I wanted to check on, thank you.

Subdivision Control Ordinance Amendments

Mrs. Barnhill said a while ago, while Sherry was still here, we had talked about doing some amendments to the Subdivision Control Ordinance. She said she formed a committee that had a bunch of people on it, Dan Saylor, Bobby Howard, several people, and we have gone through and

changed some things in the Subdivision Control Ordinance. She said I wanted to bring this back and show you guys what was done and hopefully I can advertise so we can get these changes in our Ordinance. She said if I can advertise, it would be back before you at the December meeting. She said the biggest change would be in letters of credit. She said to be able to, we re-worded it to make it a little easier to understand, the biggest change would be on sidewalks. She said if the sub divider has an existing letter for sidewalks on sections of the same subdivision, they may have the expiration date of less or more time to be the same expiration date of other letters of credit. She said so different developers that have done several phases of one subdivision, they've got like five different letters of credit on sidewalks. She said they'd be able to have one expiration date, because they're constantly coming back and having to renew those letters of credit yearly so this would just, it helps them out more than anything, giving them one date, and it kind of simplifies our files in the office, as well. She said the rest of them, the County Engineer has kind of changed some requirements on the road.

President Valiant said road construction.

Mrs. Barnhill said yes, I don't really know why or what. She said it's two and a half inches of asphalt binder required, some gutter grade, they wanted to change the percent of slope on a gutter grade for drainage. She said just things like that, drainage swells, they had some changes on the grade of the drainage swells. She said he added entrance design, he references the Evansville Metropolitan Planning Organization, just references to go to see that for some of these entrance design requirements. She said a big one is private streets, we're going to be, I'm not seeing it now, he wanted to change the minimum width of right-of-way to 40 feet instead of 50 feet, which is a private street requirement right now for the right-of-way. She said down to 40. She said that's really all I know about them, if you guys want I can have Bobby come and explain some of these a little bit better, but those are the changes that we've gone through, we had several meetings on this and I'd like to be able to advertise them if I could.

President Valiant called for any questions from the Board.

Bob Johnson said no, but I would recommend that Bobby come next meeting, if you can have him stay over. He said just to explain any questions that we do, may have.

President Valiant said do we have any remonstrators for or against this project.

Jim Morley Jr was present. He said I don't think I'm remonstrating, I'm just commenting, how about that. He said I'm not here on a project. He said just from a development standpoint, something to note, there's two things in there that Bobby, and I was part of that committee so I was part of those conversations. He said I'm not necessarily here to speak for it or against it, I just want to kind of give an implication of it. He said currently we use half a percent as a minimum slope in our gutter grades, which means that it falls 6 inches in 100 feet. He said that happens to be the same standard that Vanderburgh County uses. He said Bobby wants to raise it to .75 feet, so 9 inches in 100 feet. He said so that, where that really comes into play, where it really has an effect, yes you get better drainage, you have less likelihood of getting birdbaths or whatever in your gutters. He said if your gutters are poured correctly, you don't typically get them at .5% but the .75 decreases the likelihood that you'll get them. He said the flip side of it is as you get into

flatter ground like everything between Libbert Avenue and the county line, where that ground is as flat as a pancake, it increases the amount of fill that goes underneath those streets because those streets go up, down, up, down, they kind of bunny-hop up and down, so the steeper you make that minimum slope, the more fill that goes underneath them and the more often we have to set curb inlets to keep that fill down. He said then you're paying more in curb inlets and drainage, so there is a cost implication to that. He said I'm not saying it should be done or shouldn't be done, but there is an implication to changing that in the hill country, the coal mine area. He said in those areas, not that much implication because a lot of those streets already exceed .75, but once you get down into the flatter ground, it does have an implication that goes with it from a cost of development standpoint. He said the same could be said, relative to Bobby's requiring a concrete ribbon on swells that are 1% or less. He said currently, Warrick County doesn't even have a concrete swell standard. He said we voluntarily use a .8% slope, which is the standard that Vanderburgh County has. He said the purpose of that is when swells get pretty flat, they start to hold water and so the concrete ribbon, the purpose of the concrete ribbon is to preserve that design grade because when you go in to dig a swell out after the fact, it's easy to dig it down a little too deep or create a mound a little too high and now you've got standing water so the original purpose of the concrete ribbon was to be able to take a flat shovel out and just kind of scoop off the silt or the sediment that had built up that was holding back water and get it back down to the concrete grade. He said the 1% is a little steeper than what Vanderburgh County requires, but currently Warrick County has no standard. He said they are requesting a concave bottom, so the upside of a concave bottom, currently most people build them flat on the top and the challenge is that sometimes you'll see them eroded on the sides of the ribbon because the water literally falls off the ribbon and then drains down beside it. He said that's a downside to the flat ribbon. He said the downside of a concave ribbon is they're harder to form so they cost more to pour and because they've got a circle bottom in them now, they're harder to clean off with a flat shovel because they're no longer a flat surface. He said from that standpoint, those two things do come at a cost implication to development, not saying it's good or bad, just saying there is a cost implication that goes with it. He said I don't know that, I don't think that projects that I've worked on, so to speak, I don't think have historically had very many problems but I also get that sometimes rules are set because not everybody does a great job of construction. He said we're kind of bringing the bottom up, if you will. He said I just wanted to let you all know that there is an implication from a cost standpoint of development that goes with some of those changes. He said I totally support the idea of what Molly talked about of combining the letter of credit dates, that will make it a whole lot easier for developers, make it a lot easier for the Plan Commission. He said I also wanted to say if we do change some of the design standards, it would be good if we set them on a date that was, I don't know, two or three months out to the extent, for example, we just filed last week or the week before, a subdivision for Maken Corporation which almost every road in there is at a .6 slope. He said above the .5 minimum, but below the .75 and so if you voted on that and enacted that after we had submitted but before we got approval, then that whole subdivision would have to be redesigned. He said I think it would be prudent to give some few months out or something and then send out an email to all the designers or that many people that design subs around here, just so everybody knows that this is coming so that nobody gets caught where they turn something in, designed on the current system and then something is changed before it gets approved and now they're kind of stuck in that gray area. He said for what it's worth.

President Valiant said thank you sir.

Mrs. Barnhill said am I good to advertise then, and then it'll be back before you guys.

Bob Johnson said sure.

Mrs. Barnhill said so you make the motion.

Bob Johnson said yes.

Jeff Willis said are we going to have Bobby come in next month and explain it to us and then, in more of a setting like this instead of a room full of people, where we're saying is .6 good enough or do we need .75, and kind of questioning those.

President Valiant said I think Jim did a good job explaining it.

Jeff Willis said but Bobby wasn't here.

Mrs. Barnhill said we've had so many meetings on this already, and I will see if Bobby's available.

Bob Johnson said he may or may not be.

Mrs. Barnhill said he's hard to get to come to these night meetings.

Bob Johnson said I think Bobby's probably trying for .75 in hopes to get a little over .5.

Mrs. Barnhill said so I can advertise just general, and then at the next meeting if you want to change anything, we can change it then.

President Valiant said did you make that motion.

Bob Johnson said I did.

President Valiant said did anybody second that.

The motion was seconded by Richard Reid and carried unanimously.

Jim Morley Jr said if anybody has any questions, I'm more than happy to answer anything along those lines. He said obviously Bobby can answer it too, but that was a pretty decent summary of the cost implications of it both ways.

President Valiant said we appreciate it.

The Enclave at Woodfield by Ron McGillem

Mrs. Barnhill said next is the Enclave at Woodfield by Ron McGillem.

President Valiant said the last guy in the room.

Mrs. Barnhill said I'm sorry everyone.

Ron McGillem said you put me right down there on the end, didn't you.

Mrs. Barnhill said this is a planned unit development that was recorded back in 2010 with building envelopes, it's almost all the way built out except this lot, they have a house that they would like to build on it which does not fit into the envelope, so it would need a motion to make any changes to that envelope.

Ron McGillem said I can blame this on Jim because they did it, but what occurred is that when we did the building envelopes, I had some plans that were anticipated to be built so we took those plans and kind of situated them on the lots and then did the building envelopes around the lots. He said we did not take all of the buildable area and in this particular case, if you'll notice, the street is not exactly perpendicular to the lot so the building envelope is actually perpendicular to the lot but in order for the house that the client wants to build on it, I need to make the house parallel to the line instead of perpendicular to the street. He said now it's only a matter of 4 or 5 feet adjustment to make that work, but if you'll look on your paper there's a little triangular area there that's in the yellow that I need to include. He said it's still within the legally platted buildable area, it's just slightly outside the envelope that we had previously done. He said so I just need to increase the envelope, basically. He said I believe I sent a follow-up with the house shown still within the overall area.

President Valiant called for any questions from the board. Ascertaining there were no questions or remonstrators, he called for a motion to be made.

Richard Reid made a motion to change the building envelope for the property. The motion was seconded by Bob Johnson and carried unanimously.

President Valiant said Mr. Doll, do you have anything.

Attorney Aaron Doll said I do not.

President Valiant said back to you.

Mrs. Barnhill said one more thing. She said PUDs, we're seeing a lot of these are being done only because they want a private road. She said that's the only way to do a private road. She said it would have worked perfectly with the subdivision that we did tonight, they're not allowed in Agricultural or CON zoning. She said once you go, you have to go to residential to have a private road and then you can't have anything else out there that's agriculturally related. She said farm animals, farming, anything like that. She said so I was wondering what you guys thought about maybe adding those to a PUD requirement so we could do some things like that. She said I've seen two come in just recently, that it would have worked perfectly.

Jeff Willis said I'm okay with adding, I mean, to me it makes sense to add them to other categories. He said my concern is, I was thinking about this the past couple days, people are trying to get the front yard setbacks reduced or trying to get the houses packed closer together and trying to get around the zoning by doing PUDs. He said so I want to make sure if we do expand the PUDs to the Ag or whatever, that we're not just allowing them to get around the zoning, that it's actually for the private road or to make the natural features stand out or whatever.

Mrs. Barnhill said right, and I hear you. She said that's why I try to be thorough on my staff report, to tell you guys exactly what setbacks they're trying to relax with that PUD.

Richard Reid said I think it should be just residential, I don't think stretching into agricultural would be wise.

Bob Johnson said I don't disagree with that, I think, in my mind, to allow what you're wanting to add would be fine, it depends on the acreage and the lot sizes. He said for the one tonight, when you've got 600 acres out there, I don't think anyone would ever have a problem with that. He said if you're going to be sticking it in the one up there off Sharon Road, somebody might have an issue with that. He said it could be contingent on lot size and distance from neighbor or whatever. He said kind of like the tower, how far are you away from the neighbor.

Jeff Willis said the radio tower.

Mrs. Barnhill said the tower.

Bob Johnson said well, your tower.

Jeff Willis said for Wi-Fi.

Bob Johnson said yeah, Wi-Fi towers.

Mrs. Barnhill said yes.

Bob Johnson said to where you had to be a certain setback from your neighbor. He said we did pass where you're allowing hens.

Mrs. Barnhill said okay, that's fine. She said I was just wondering what you guys thought about it.

Bob Johnson said if you're going to have livestock, it should be dependent on the amount of acreage that you've got. He said I've got 5 acres but I'm sure my neighbors wouldn't want me having a cow in there.

Mrs. Barnhill said but you could. She said if you guys don't like it, that's all I have.

President Valiant said I'm still thinking about that one, I like it.

Bob Johnson said I'm not shooting it down, I'm just thinking there should be some stipulations with it.

President Valiant said let's talk about it again next month.

Jeff Willis said I like the idea of being able to help people make their subdivisions work the way they want them to work. He said I just don't want them to use the PUDs to get around other zoning stuff. He said so the private roads they want, that's, you know...

Mrs. Barnhill said they already are.

Jeff Willis said I know and it's been bugging me lately.

Bob Johnson said you can make all the laws in the world and somebody's going to find a loophole.

Mrs. Barnhill said I know.

President Valiant said anything else.

Mrs. Barnhill said no.

Richard Reid made a motion to adjourn. The motion was seconded by Bob Johnson and carried unanimously.